THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21445 OF 2006

Date 16-10-2006

Between:

K.Subrahmanyam and

Others …Petitioner

And

The District Collector and others …Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21445 OF 2006

ORDER:

The petitioners seek a Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioners of their respective plots in Survey Nos.69

and 70 and further declaring the action of the respondents in trying to dispossess the petitioners, as illegal and arbitrary.

The petitioners statedly purchased house sites admeasuring 88 to 200 square yards from the earlier owner under different sale deeds or registered agreements of sale-cum-general power of attorneys. They also allege that the land in Survey Nos.69 and 70 is separated by a compound wall clearly delineating the land in Survey No.91, which is classified as a Government land. In spite of the same, the respondents visited the petitioners' properties and are trying to dispossess the petitioners under a mistaken impression.

At the stage of preliminary hearing itself, the learned Assistant Government Pleader for Revenue (General) obtained instructions. He submits that the land admeasuring Acs.522.15 gts in Survey No.91 of Gachibowli Village, Sherilingampally Mandal, Ranga Reddy District is classified as "Kancha Maktha Sarkari". The same was allotted to various institutions/Government bodies including Weaker Sections Housing Scheme. Though, the petitioners purchased house sites in Survey Nos.69 and 70, they tried to undertake illegal activities in the land comprising Survey No.91. Therefore, Executive staff of the Office of the Mandal Revenue Officer objected to such illegal activities to safeguard the Government land. He further submits that the allegation that the staff of the fifth respondent tried to interfere with the petitioners' possession is not correct.

The learned counsel for the petitioners submits that the petitioners never made any attempt to encroach upon the Government land in Survey No.91. He nextly contends that unless and until due process of law is followed, the respondents cannot evict the petitioners from their lands in Survey Nos.69 and 70. There is no denial nor dispute with regard to such legal position. This Court, however, holds that the writ petition is filed on mere apprehension and not inclined to entertain the same.

The writ petition is, therefore, dismissed. No costs.

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(**V.V.S.RAO, J**)

Dated 16th October, 2006
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